THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.1666 OF 2003

DATED 28th JUNE, 2007

BETWEEN

Md.Khaja Ibrahim

… Petitioner

AND

The District Collector, West Godavari, at Eluru and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.1666 OF 2003

ORDER:

The petitioner filed an instant writ petition seeking a writ of Mandamus declaring the action of the respondents, namely, the District Collector, West Godavari; the Mandal Revenue Officer, Jeelugumilli Mandal and the Special Deputy Tahsildar (Tribal Welfare), K.R.Puram in West Godavari District in trying to dispossess the petitioner from the land admeasuring Acs.4.30 in survey No.160 of Jeelugumilli Village as illegal and arbitrary.

It is the case of the petitioner that he is an ex-service man, having retired from the Army as Lance Naik. When he made an application to the District Collector, the same was got enquired into. The Tahsildar, Polavaram, issued a patta vide R.Dis.4/LD/72(B3), dated 13.08.1972, purportedly in accordance with G.O.Ms.No.993, dated 13.10.1969. In 1993, the Special Deputy Tahsildar (Tribal Welfare), K.R.Puram, initiated action under Section 3(2)(a) of A.P.Scheduled Areas Land Transfer Regulation, 1959 against one Sri Gadde Seetharamanna, who is allegedly to be farm servant of the petitioner. After conducting enquiry, by order, dated 30.07.1993, the claim of third respondent for evicting the petitioner was dismissed. According to the petitioner, the said order has become final and in spite of the same, third respondent is trying to dispossess the petitioner from the land.

This Court admitted the writ petition on 29.01.2003 and passed interim order of status quo. Though notices are served on the respondent, no counter affidavit is filed.

After hearing learned counsel for petitioner and learned Government Pleader for Social Welfare and perusing the order, dated 30.07.1993, passed by Special Deputy Collector, this Court is of considered opinion that unless and until proper legal process is initiated against the petitioner, he cannot be dispossessed from the land if he is still in possession of the land.

The writ petition, with the above observations, is disposed of. No costs.

(V.V.S.RAO,J)

28.06.2007.
pln